

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**November 19, 2024**

**Christopher M. Wolpert**  
**Clerk of Court**

ORIN KRISTICH,

Plaintiff - Appellant,

v.

FNU CASADY, Nurse, in official and  
individual capacity, et al.,

Defendants - Appellees.

No. 24-6242  
(D.C. No. 5:23-CV-00544-R)  
(W.D. Okla.)

**ORDER**

This matter is before the court following the opening of this appeal and a review of the district court docket. That review has revealed a potential defect in this court's jurisdiction. Accordingly, the court is considering this matter for summary disposition. 10th Cir. R. 27.3(B).

Pro se plaintiff Orin Kristich filed a notice of appeal from the district court's interlocutory October 29, 2024, order, ECF No. 69, which denied Mr. Kristich's previous motion for leave to appeal in forma pauperis, ECF No. 67. The court notes that it appears Mr. Kristich's motion was related to his last appeal, Case No. 24-6216, which has been dismissed for lack of jurisdiction. Like Mr. Kristich's last two appeals, *see* No. 24-6126, No. 24-6107, the order being appealed here does not appear to be a "final decision" as that term is defined in this court and does not appear to be otherwise appealable now.

Federal appellate courts like this one generally have jurisdiction to review only final decisions of district courts. 28 U.S.C. § 1291; *see also Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 712 (1996) (final decision resolves all claims against all parties) and *S. Ute Indian Tribe v. Leavitt*, 564 F.3d 1198, 1207 (10th Cir. 2009) (piecemeal review of interlocutory district court orders not allowed). Here, the district court case remains ongoing. The order being appealed addressed only an interim motion seeking leave to appeal in forma pauperis in an appeal that has been dismissed. Two individuals remain as defendants in the district court. Importantly, no final judgment has been entered to signal the end of the case. *See* Fed. R. Civ. P. 58. Lastly, the order does not appear to fall into any recognized exception to the final judgment rule. *See, e.g.*, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Industrial Loan Corp.* 337 U.S. 541 (1949). In short, the district court case is not over, and the order Mr. Kristich seeks to appeal does not appear to be an appealable order.

Accordingly, **within 21 days of the date of this order**, Mr. Kristich shall file a written response addressing only this issue and why this appeal should not be dismissed for lack of jurisdiction. In the alternative, Mr. Kristich may (1) voluntarily dismiss his appeal, *see* Fed. R. App. P. 42(b); or (2) elect not to file a response to this show cause order, in which case the court will dismiss his appeal without further notice for lack of prosecution, *see* 10th Cir. R. 42.1.

Finally, briefing on the merits of this appeal is SUSPENDED pending further written order of this court. *See* 10th Cir. R. 27.3(C).

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal line extending to the right.

CHRISTOPHER M. WOLPERT, Clerk

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

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Christopher M. Wolpert  
Clerk of Court

Jane K. Castro  
Chief Deputy Clerk

November 19, 2024

Orin Kristich  
FCI - Marianna  
P.O. Box 7007  
Marianna, FL 32447  
#99811-051

**RE: 24-6242, Kristich v. Casady, et al**  
Dist/Ag docket: 5:23-CV-00544-R

Dear Appellant:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Wolpert', with a long horizontal line extending to the right.

Christopher M. Wolpert  
Clerk of Court

CMW/at